

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4553 of 1981

For Approval and Signature:

Hon'ble THE CHIEF JUSTICE MR. K.SREEDHARAN and
MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? - No.
2. To be referred to the Reporter or not?-No.
3. Whether Their Lordships wish to see the fair copy of the judgement?-No.
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?-No.
5. Whether it is to be circulated to the Civil Judge?-No.

MOHMEDBHAI D DARSOT

Versus

MRUDULABEN VASHI

Appearance:

MR DD VYAS for Petitioners
Mr.K.M. Mehta, Assistant GOVERNMENT PLEADER,
for Respondent Nos.1 and 2
MR JV DESAI for Respondent No. 3

CORAM : THE CHIEF JUSTICE MR. K.SREEDHARAN and
MR.JUSTICE M.S.SHAH

Date of decision: 21/11/97

ORAL JUDGEMENT : (Per K. Sreedharan, C.J.)

Petitioners, ten in number, are stated to be carrying on business in cabins or handlorries or huts in Survey No.2076 near Kalyan Bag, Bulsar. Their prayer is for the issuance of a writ of mandamus, directing

respondents, District Collector of Bulsar, City Survey Superintendent, Bulsar and Bulsar Municipality, from taking any action for getting cabins or handlorries or huts, in which petitioners carry on their business, removed or dismantled.

Petitioners approached this Court on getting notices issued by the second respondent to petitioners Nos. 8 and 9, requiring them to vacate from the land. No adverse order has been passed against any of the petitioners by any authority.

Petitioners have not claimed any legal right on the land comprised in Survey No.2076. They have no case that they were permitted to have their cabins / handlorries located in the property. Since they are having no manner of right over the property from which they are asked to vacate, we feel that this Court is not to adjudicate upon their rights in exercise of the powers under Article 226 of the Constitution. On this short ground, we decline jurisdiction under Article 226. Special Civil Application is accordingly dismissed. Rule is discharged. Ad interim relief is vacated.

(apj)